

# Law of Mass Communications

MMC 4200 | Section 3G63 | Spring 2022 | Online

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**Instructor:**  
**Dr. Austin Vining**  
avining@ufl.edu

Virtual office hours are available by appointment. Please contact me via email (preferred) or Canvas.



## Course Goals

This course introduces you to First Amendment jurisprudence, as well as to common law and statutory law as they affect journalists, the media and, more broadly, all citizens of the United States.

*Examples of issues covered in this course:*

- Historical underpinnings of the First Amendment freedoms of speech/press
- Free speech theories and rationales
- Prior restraint
- Libel
- Privacy
- Trespass
- Newsroom searches
- Broadcast indecency
- Obscenity
- Child pornography
- Fighting words
- Violent media content
- Advertising/commercial speech
- Student speech rights
- Copyright law
- Trademark law

## Required Text

- *Mass Media Law, 21st Ed.* (2020). Clay Calvert, Dan V. Kozlowski & Derigan Silver. McGraw-Hill.

If you use an older version of the textbook, you do so at your own risk. Information from the textbooks, information from the lectures, and the handouts I put on Canvas are subject to testing.

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## Learning Outcomes

*By the end of this course, you should be able to:*

- describe the primary justifications for the freedom of expression in constitutional jurisprudence
- ascertain at what point their expression moves from protected under the First Amendment to unprotected and subject to criminal or civil liability
- describe the legal means of establishing trademarks to protect brands from genericide and encroachment
- explain the importance of the freedom of expression within a Western, liberal democracy
- articulate their rights when gathering news while also respecting the rights of those around them
- recognize practical steps to avoid liability in a range of potentially tort-inducing situations

# Assignments & Exams

## Case Brief

Each student will be required to brief one and present case.

I will post a list of options for cases that can be briefed. Along with the cases, I'll describe the topic they cover. You will be responsible for choosing which case you'll brief.

By the end of the first week of class, I will detail how to brief a case using the IRAC (Issue, Rule, Application, Conclusion) formula.

Students will be required to brief a case in 1–2 pages and give a five-minute video presentation for other students to view as a supplement to the readings.

More details will be posted on Canvas.

**15 points**

## News Brief

It is important that each student understands the importance of keeping up with ever-changing legal trends in our field.

Once you graduate, you will likely no longer have access to Lexis-Nexis and other library resources. Accordingly, this assignment is designed to get you familiar with outside resources for legal news.

Each student will be required to post a news article about a legal topic to the designated discussion board in Canvas, and each student must respond to at least two other posts giving commentary and asking questions if you have any.

**10 points**

## Quizzes

There will be 12 five-point quizzes throughout the semester. These quizzes are not meant to be difficult. They are meant to keep you engaged with the material weekly, and serve as a check that you are doing the required readings. The quizzes are open-book and open-note, but you must work alone to complete them.

**60 points**



**LANDMARK DECISION:** The sign above was at issue in the United States Supreme Court case *Morse v. Frederick* (2007). The sign was displayed in the Newseum in Washington, D.C. until its closure. We will cover this case during our unit on free speech in schools.

## Exams

This course includes two exams. The first is worth 20 points and the second is worth 25 points. Exams are not cumulative, unless specific ar-

eas, topics, cases, rules and/or concepts are covered again in new reading. The last exam is not comprehensive.

All exams are open-note, open-book format.

You must work alone on exams. No communication with others is allowed during the exam. Giving or receiving aid during an examination is not allowed.

If you miss an exam, you must contact me within 24 hours to schedule a retake. You must have a university approved excuse.

**45 points**

## Grading

Numerical grades in this course translate to the following letter grades.

Grades are rounded down to the nearest whole number.

There are no bonus points.

Exam I	20	A = 93–100	C = 73–76
Exam II	25	A- = 90–92	C- = 70–72
Quizzes x 10	60	B+ = 87–89	D+ = 67–69
Case Brief	15	B = 83–86	D = 63–66
News Brief	+ 10	B- = 80–82	D- = 60–62
Total Points Possible	130	C+ = 77–79	E = 0–59

# Course Schedule

<i>Topic</i>	<i>Assignments</i>	<i>Dates</i>
Introduction	Watch Introduction Video; Complete Google Survey	Jan. 5–9
Law & the Legal System	Read Chapter 1; Watch Lecture; Complete Quiz 1	Jan. 10–16
Free Speech Theory & Prior Restraints	Read Chapter 2 and pp. 113–127, 136–144; Watch Lecture; Complete Quiz 2; <b>Complete Case Brief and Video</b>	Jan. 18–23
Free Speech in Schools	Read pp. 86–113; Watch Lecture; Complete Quiz 3	Jan. 24–30
Defamation Law	Read Chapters 4 & 5; Watch Lecture; Complete Quiz 4	Jan. 31–Feb. 6
Defamation Defenses & Intentional Infliction of Emotional Distress	Read Chapter 6; Watch Lecture; Complete Quiz 5	Feb. 7–13
<b>Exam I</b>	<b>Study</b>	<b>Feb. 14–20</b>
Public Disclosure of Private Facts, False Light, Intrusion, Trespass & Anonymity	Read Chapters 8 & 10 and pp. 254–259 & 285–298; Watch Lecture; Complete Quiz 6	Feb. 21–27
Gathering Information & Free Press v. Fair Trial	Read Chapters 9, 11 and 12; Watch Lecture; Complete Quiz 7	Feb. 28–Mar. 6
<b>Spring Break</b>	<b>Enjoy</b>	<b>Mar. 7–13</b>
Appropriation & Right of Publicity	Read pp. 260–284; Watch Lecture; Complete Quiz 8	Mar. 14–20
Fighting Words, True Threats & Offensive, Speech	Read pp. 127–136; Watch Lecture; Complete Quiz 9; <b>Post Legal News Article</b>	Mar. 21–27
Sexually Explicit Expression & Broadcast Indecency	Read Chapters 13 & 16; Watch Lecture; Complete Quiz 10; <b>Post News Comments</b>	Mar. 28–Apr. 3
Intellectual Property & Com- mercial Speech	Read Chapters 14 & 15; Watch Lecture; Complete Quizzes 11 & 12	Apr. 4–10
<b>Exam II</b>	<b>Study</b>	<b>Apr. 11–17</b>

## Additional Information

### **Accommodations for Students With Disabilities**

Students with disabilities requiring accommodations should immediately contact the Disability Resource Center Office for complete information at: <https://www.dso.ufl.edu/drc>. All support services provided to and for University of Florida students are individualized to meet the needs of students with disabilities. To obtain individual support services, each student must meet with one of the support service coordinators at the Disability Resource Center and collaboratively develop appropriate support strategies. Appropriate documentation regarding the student's disability is necessary to obtain any reasonable accommodation or support service. Procedures for obtaining accommodations are set forth at: <https://www.dso.ufl.edu/drc/students/how-to-get-started/>. Please notify me on the first day of class if you require special accommodations.

### **Diversity Statement**

The University of Florida's College of Journalism and Communications Department of Journalism embraces a commitment toward an intellectual community enriched and enhanced by diversity along a number of dimensions, including race, ethnicity and national origins, gender and gender identity, sexuality, class and religion. We expect each of our journalism courses to help foster an understanding of the diversity of peoples and cultures and of the significance and impact of mass communications in a global society.

I consider this classroom to be a place where you will be treated with respect. I welcome individuals of all ages, backgrounds, beliefs, ethnicities, genders, gender identities, gender expressions, national origins, religious affiliations, sexual orientations, ability – and other visible and nonvisible differences. All members of this class are expected to contribute to a

respectful, welcoming and inclusive environment for every other member of the class.

### **University Honesty Policy**

UF students are bound by The Honor Pledge which states, "We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: "On my honor, I have neither given nor received unauthorized aid in doing this assignment." The Honor Code (<https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please contact me.

### **Health and Wellness**

**U Matter, We Care:** If you or someone you know is in distress, please contact [umatter@ufl.edu](mailto:umatter@ufl.edu), 352-392-1575, or visit U Matter, We Care website to refer or report a concern and a team member will reach out to the student in distress.

**Counseling and Wellness Center:** Visit the Counseling and Wellness Center website or call 352-392-1575 for information on crisis services as well as non-crisis services.

**Student Health Care Center:** Call 352-392-1161 for 24/7 information to help you find the care you need, or visit the Student Health Care Center website.

**University Police Department:** Visit UF Police Department website or call 352-392-1111 (or 9-1-1 for emergencies).

**UF Health Shands Emergency Room / Trauma Center:** For immedi-

ate medical care call 352-733-0111 or go to the emergency room at 1515 SW Archer Road,

Gainesville, FL 32608; Visit the UF Health Emergency Room and Trauma Center website.

**GatorWell Health Promotion Services:** For prevention services focused on optimal wellbeing, including Wellness Coaching for Academic Success, visit the GatorWell website or call 352-273-4450.

### **Evaluations**

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.ua.ufl.edu/students/>. Students will be notified when the evaluation period opens, and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.ua.ufl.edu/public-results/>.

Your feedback is very important to me, as it not only goes to my department head for year-end evaluations, but also allows me to improve the course. Thank you very much in advance for taking the time to do this!

### **Academic Resources**

**E-learning technical support:** Contact the UF Computing Help Desk at 352-392-4357 or via e-mail at [helpdesk@ufl.edu](mailto:helpdesk@ufl.edu).

**Career Connections Center:** Reitz Union Suite 1300, 352-392-1601. Career assistance and counseling services.

**Library Support:** Various ways to receive assistance with respect to using the libraries or finding resources.

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Teaching Center: Broward Hall, 352-392-2010 or to make an appointment 352- 392-6420. General study skills and tutoring.

Writing Studio: 2215 Turlington Hall, 352-846-1138. Help brainstorming, formatting, and writing papers.

Student Complaints On-Campus: Visit the Student Honor Code and Student Conduct Code webpage for more information.

On-Line Students Complaints: View the Distance Learning Student Complaint Process.

**Classroom Recording**

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

A "class lecture" is an education-

al presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To "publish" means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to

social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.

**Grades and Grading Policies**

The university's Grades and Grading Policies can be found at <https://catalog.ufl.edu/UGRD/academic-regulations/grades-grading-policies/>.

**Class Demeanor**

Students are expected to behave in a manner that is respectful to the instructor and to fellow students. Opinions held by other students should be respected in discussion.

**Fees**

There is a \$1 fee for this course.

**Addenda**

The professor reserves the right to make reasonable changes to the reading schedule, exam schedule & exam formats at during the semester.



# IT'S IN THE SYLLABUS

This message brought to you by every instructor that ever lived.